

Amendment and Request Continued Examination
Dated July 25, 2005

Appl. No. 09/748,616

REMARKS

Claims 31, 44, and 47 have been amended. Support for the amendment to the claims is found throughout the specification and drawings, for example: at page 7, lines 25-27; at page 8, lines 14-16; at page 10, lines 30-32; and at page 16, lines 10-13 and lines 18-21; at page 11, lines 22-25; and at page 12, lines 1-2.

Claims 1-48 are pending, claims 1-30, 43, 45, 46, and 48 were previously withdrawn from consideration.

CLAIM REJECTIONS

In the May 3, 2005 Office Action, claims 31-42, 44, and 47 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 31-36 and 42 were rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Wheless (2,123,580). Claim 47 was rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Bush Jr. et al. (3,908,495). Claim 37 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Wheless in view of Bush Jr. et al. Claims 38-41, and 44 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Wheless. Applicants respectfully assert that all of the claims comply with 35 U.S.C. § 112 second paragraph, 35 U.S.C. § 102 (b), 35 U.S.C. § 103(a) and all of the claims are allowable.

The Claims are Definite

Independent claims 31, 44, and 47 have been amended to recite:

"...a pocket, configured to maintain the log in the pocket during the cutting procedure..." [claim 31];

"...the pocket is configured to maintain the log in the pocket during the cutting procedure..." [claim 44]; and

"...the pockets being configured to maintain the rolls in the pockets during the cutting procedure..." [claim 47].

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The pocket maintaining the log or roll during the cutting procedure is described throughout the specification, for example at page 7, lines 25-27; at page 8, lines 14-16; at page 10, lines 30-32; and at page 16, lines 10-13 and lines 18-21.

The addition of the text "during the cutting procedure" was suggested by the May 3, 2005 Office Action to overcome the rejection under 35 U.S.C. § 112, second paragraph. Thus, independent claims 31, 44 and 47 have been amended to recite "during the cutting procedure" and are definite.

Wheless (2,123,580)

Wheless does not disclose, teach or suggest each and every element of claims 31-42, 44, and 47. Specifically, Wheless does not teach a pocket in accordance with the pocket of claims 31-42, 44, and 47, for example a pocket configured to maintain the log in the pocket during the cutting procedure without the use of an external structure to hold the log in the pocket, or a pocket with channels situated therein.

First, independent claims 31, 44 and 47 recite a pocket, configured to maintain the log or roll in the pocket during the cutting procedure without the use of external structure. In contrast, Wheless recites the necessity of external structure such as weight arms or latches to hold the log in the pocket or cradle during cutting. For example, Wheless recites at column 2, lines 21-23:

To hold each log firmly in the cradles while being sawed, arms or latches 20 are provided on **one or more** of the cradles.

[emphasis added]

At column 3, lines 59-67 Wheless recites:

The weighted arms 20 pivotally mounted to the cradles at point 23 which were clear of the recesses while the latter were inverted now swing to a position spanning the recesses into engagement with the log to press upon it, forcing it more firmly to a seat within the

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recesses 15 and holding it in a more stable position relative to the cradle when it comes in contact with the saw 50.

At column 4, lines 54-62 Wheless recites:

For this reason the weight arms 20 are only provided upon those cradles adjacent to the saw so that in the event of curvature of the log which would prevent its being in proper seating contact in the recesses 15 upon all cradles throughout its entire length it will at least be held in seating contact upon those adjacent to the saw and will be held steady while the saw is cutting through.

The arms 20 are shown in the Wheless drawings, for example in Fig. 1 in the two cradles 10 to the left of the saw 50 as well as in Figs. 2 and 3. The fact that Fig. 4 does not show arms 20 is not indicative that the invention can be used without arms, but rather that the cradles to the right of the blade in Fig. 1 do not have arms.

Wheless teaches at column 2, lines 21-23 that one or more arms are provided to hold the log in the cradle during sawing. Thus, the log is held by at least one arm during the cutting procedure, the arm being external structure beyond what is provided by the Wheless cradle.

The suggestion by the July 11, 2005 Advisory Action that the combination of Wheless elements 20 and 15 could be considered the pocket, and thus arm 20 would not be external, is inconsistent with the teachings of Wheless and a pocket as taught by this application. Wheless teaches that the arm 20 is separate and distinct from the recess 15. For example, Wheless recites at column 2 lines 23-24:

"an arm is pivoted adjacent each recess of a cradle";

at column 2, lines 36-38:

"[t]he arms can be pivoted on bolts 23 preferably at a point somewhat in advance, radially, of the recess..."

at column 3, lines 59-60:

"[t]he weighted arms 20 pivotally mounted to the cradles...";

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Thus, arm 20 is adjacent to the recess 15. To suggest that Wheless elements 20 and 15 can be combined to afford applicant's pocket, is merely hindsight reconstruction of applicant's disclosure. Furthermore, even if the Wheless arm 20 were incorrectly assumed to be part of the recess 15, the resulting structure during the cutting procedure would circumferentially surround the log, and thus not provide a pocket with an open end as recited in independent claims 31 and 44 and illustrated at least, for example in Fig. 4 of this application.

Second, with respect to the channels, applicants respectfully assert that Wheless does not teach or suggest channels in a pocket. Independent claims 31 and 47 recite channels in a pocket. In contrast, Wheless shows spaces between the cradles 10, however, these channels are not situated in a pocket. In fact, the cradles and recesses described by Wheless are substantially two-dimensional, making it difficult, if not impossible for the cradles to contain channels as disclosed by this application. In contrast, this application discloses pockets with three-dimensional character containing a plurality of channels as illustrated, for example, in Fig. 14 and Fig. 3. This three-dimensional character fundamentally distinguishes the pocket of this application from the arms of Wheless. Even if the Wheless arms were incorrectly assumed to disclose the pockets of this application, Wheless does not disclose channels in the arms, only a channel between two arms.

For the reasons presented herein, Wheless does not disclose, teach, or suggest each and every element. Therefore Wheless does not anticipate, nor make obvious claims 31-42, 44, and 47.

Bush, Jr. et al. (3,908,495)

Claim 47 has been amended to recite "...wherein the pockets have channels." Applicants respectfully assert that Bush, Jr. et al. does not disclose, teach or suggest each and every element of claims 31-42, and 47. Specifically, Bush, Jr. et al. does not disclose a pocket with channels situated therein.

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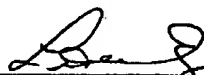
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Bush, Jr. et al. discloses radially projecting arms 37, with a space between a pair of arms for the blade to pass as illustrated in Fig. 1. For the same reasons presented under the second point of the Wheless argument, Bush, Jr. does not disclose a pocket with channels, and therefore, claims 31-42, and 47 are not anticipated by the Bush, Jr. et al. reference.

CONCLUSION

Applicants believe that currently pending Claims 31-42, 44 and 47 are patentable. Applicants respectfully request that the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned agent for the applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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